New Nouveau Brunswick CANADA

News Release

Communications New Brunswick

N.B. Human Rights Commission

Amendments to the Human Rights Act (04/07/07)

NB 772

July 7, 2004

FREDERICTON (CNB) - The following statement was issued by Alanna Palmer, Chair of the New Brunswick Human Rights Commission.

"The Human Rights Commission welcomes the addition of the two new grounds of prohibited discrimination to the New Brunswick Human Rights Act: social condition and political belief or activity. This amendment was passed by the legislature last week and is expected to come into effect on December 31, 2004.

The two new grounds had been recommended by the commission in the position paper it published in February 2004. The paper was published after the commission had completed an extensive review of its mandate, legislation, and governance structure. The review process included research, the publication of a discussion paper and consultations with stakeholders and the public.

The commission believes that all of the recommendations in the position paper need to be thoroughly considered by government. The outstanding recommendations include:

Prohibited Grounds: The commission recommends that two additional grounds of prohibited discrimination be added, language and family status (e.g. having, or not having, children).

Governance: Equally important is its recommendation that the commission become an independent government agency like the Office of the Ombudsman and the Official Languages Commissioner. The commission believes that it should report to the Legislative Assembly, ideally through an all-party Human Rights Committee.

Mandatory Retirement: At present, the New Brunswick *Human Rights Act* includes an exception that arguably allows pension plan administrators or employers to enforce terms of a retirement or pension plan that require employees to retire, as long as the plan is bona fide. This exception contradicts the human rights principle that everyone should be considered on their own merit, and the meaning and validity of this exception are unclear. The commission recommends that it be removed from the act as soon as is possible.

Bona Fide Qualifications: Finally, the commission recommends that the current legislation be amended to ensure consistency and avoid loopholes in the various bona fide qualifications exemptions.

The commission urges provincial legislators to consider all of its recommendations for additional

amendments to the *Human Rights Act* during the fall sitting of the legislature.

The position paper can be found online at: English: http://www.gnb.ca/hrc-cdp/e/renewal.pdf.

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